

Applicants have amended claim 1 such that a weight per area is claimed. Applicants respectfully request withdrawal of this rejection under 35 U.S.C. 112, second paragraph.

The Office Action furthermore rejects claims 1 to 17 wherein it is alleged that the claims are unclear as to whether the yarn is shot through a non-woven fabric or, in the alternative, the yarn is stitched to the non-woven fabric.

Applicants respectfully submit that on page 11, line 29 the multifilament yarns (6) are shot through a non-woven fabric in position (7) to form stitches (8). As a result, the shooting of the multifilament yarns through the non-woven fabric results in a stitch configuration. Applicants further submit that the yarns are located such that they penetrate the fabric at point (7) and then exit the fabric. As a result, the yarns go through the fabric and are not “attached” to one side of the fabric as questioned by the Office Action.

The Office Action further alleges that claim 10 recites the feature of synthetic fibers and/or filaments. The Office Action alleges that there is insufficient antecedent basis for this feature.

Applicants have amended claim 10 such that claim 10 depends from claim 9. Through this amendment the feature of synthetic fibers and/or filaments has proper antecedent basis. Applicants respectfully request withdrawal of the rejection of claim 10.

II. Rejection of Claims 1, 2, 6, 14 and 17 Under 35 U.S.C. 102(e)

Claims 1, 2, 6, 14 and 17 were rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 5,203,186 (“Wildeman”). Applicants respectfully submit that claims 1, 2, 6, 14 and 17 are not anticipated by Wildeman for the following reasons.

Claim 1 relates to a voluminous non-woven fabric having a textured yarn shot through it, at least in one preferential direction. Claim 1 recites an endless filament having a weight per unit area of 5 to 100 g/m² and a textured multifilament yarn having a titer in the range of 10 to 400 dtex shot through the fabric, wherein the multifilament yarns are separated from one another by a distance of 1/cm to 10/cm and the mesh number is 0.5/cm to 8/cm, and the multifilament yarn threads are shrunk by 3 to 80%, using moist-thermal treatment.

To anticipate a claim, each and every element set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson

v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Wildeman does not disclose or suggest the features of amended claim 1. Wildeman allegedly relates to a stitchbonded upholstery fabric and process for making the stitchbonded upholstery fabric. Title. Wildeman does not disclose, or even suggest, the presence of an endless filament, wherein Wildeman is limited to providing a fiber fleece. Col. 3, lines 51 and 52. The only example provided for the fiber fleece is one made from multiple staple fibers. Col. 3, lines 50 to 56. As a result, multiple fibers are used in the production of the fleece. Wildeman does not disclose, or even suggest, an endless filament having a mass per unit area of 5 to 100 g/m².

Claims 2, 6 and 14 depend from claim 1 and therefore include all of the features of amended claim 1. Applicants respectfully submit that Wildeman does not anticipate claims 2, 6 and 14 for at least the reasons presented above in relation to amended claim 1.

Claim 17 relates to a wiping, cleaning or body care cloth having the features of the fabric provided in claim 1. As discussed above, Wildeman does not disclose, or even suggest the features of amended claim 1. Applicants respectfully submit that Wildeman does not anticipate claim 17 for at least the reasons presented above in relation to amended claim 1.

III. Rejection of Claims 1 to 7, 9, 14 and 17 Under 35 U.S.C. 102(b)

Claims 1 to 7, 9, 14 and 17 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,203,186 (“Zafiroglu”). Applicants respectfully submit that claims 1 to 7, 9, 14 and 17 are not anticipated by Zafiroglu for the following reasons.

Zafiroglu does not disclose or suggest the features of amended claim 1. Zafiroglu allegedly relates to a stitch-stabilized nonwoven fabric. Title. Zafiroglu defines the term “fiber” as staple fibers of textile denier. Col. 3, lines 38 to 40. Zafiroglu also contemplates using multiple **layers** of fibrous material, such as batts of carded fibers, air-laid fiber batts, wood-pulp papers, lightly bonded and unbonded nonwoven sheets. Col 3, lines 35 to 38. Moreover, Zafiroglu states that it is advantageous to arrange bulkable **threads** in the stronger or longitudinal direction. Col. 4, 62 to 66. Zafiroglu, uses in a first example, a pure pine wood pulp. Col. 7, lines 56 to 59. Zafiroglu, in a second example, uses a reinforced

paper. Col. 8, lines 55 to 58. Zafiroglu, in a third example, uses a two-layer reinforced paper. Col. 9, lines 1 to 10. In a fourth example, numerous fibers are used to form a web. Col. 10, lines 46 to 50. In a fifth example, the web is a blend of acrylic fibers. Col. 10, lines 64 to 68. In all the examples and description provided in Zafiroglu, Zafiroglu does not disclose, or even suggest the presence of an endless filament having a weight per unit area of 5 to 100g/m².

Claims 2 to 7, 9 and 14 depend from claim 1 and therefore include all of the features of amended claim 1. Applicants respectfully submit that Zafiroglu does not anticipate claims 2 to 7, 9 and 14 for at least the reasons presented above in relation to amended claim 1.

Claim 17 relates to a wiping, cleaning or body care cloth having the features of the fabric provided in claim 1. As discussed above, Zafiroglu does not disclose, or even suggest the features of amended claim 1. Applicants respectfully submit that Zafiroglu does not anticipate claim 17 for at least the reasons presented above in relation to amended claim 1.

IV. Rejection of Claims 7, 12 and 15 Under 35 U.S.C. 103(a)

Claims 7, 12 and 15 were rejected under 35 U.S.C. 103(a) as unpatentable over Wildeman. Applicants respectfully submit that Wildeman does not render obvious claims 7, 12 and 15 for the following reasons.

Applicants respectfully submit that the rejection, as provided in the Office Action, is statutorily insufficient and therefore should be withdrawn. Applicants respectfully submit that obviousness must be determined at the time of the invention. The Office Action does not allege that the claims would have been rendered obvious at the time of the invention, rather they would have been obvious to a “person of ordinary skill”. As a result of the statutorily insufficient rejection, Applicants respectfully submit that for this reason alone, the rejection should be withdrawn.

Claims 7, 12 and 15 depend from amended claim 1 and therefore include all of the features of amend claim 1. As provided above, Wildeman does not disclose, or even suggest, the features of amended claim 1, namely an endless filament having a weight per unit area of 5 to 100 g/m². Applicants respectfully submit that Wildeman does not render obvious claims 7, 12 and 15 for the reasons provided above.

V. Rejection of Claim 13 Under 35 U.S.C. 103(a)

Claim 13 was rejected under 35 U.S.C. 103(a) as unpatentable over Wildeman in view of U.S. Patent No. 4,540,497 (“Chang et al.”). Applicants respectfully submit that the combination of Wildeman and Chang et al. does not render obvious claim 13 for the following reasons.

Applicants respectfully submit that the rejection, as provided in the Office Action, is statutorily insufficient and therefore should be withdrawn. Applicants respectfully submit that obviousness must be determined at the time of the invention. The Office Action does not allege that the claim would have been rendered obvious at the time of the invention, rather they would have been obvious to a “person of ordinary skill”. As a result of the statutorily insufficient rejection, Applicants respectfully submit that for this reason alone, the rejection should be withdrawn.

Claim 13 depends from amended claim 1 and therefore includes all of the features of amended claim 1.

The addition of Chang et al. does not cure the defects of Wildeman. Change et al. allegedly relate to the treatment of fibrous substrates. Col. 1, lines 6 to 9. Chang et al. furthermore allegedly relate to a fluoroaliphatic radical-containing, substituted guanidines and fibrous substrates treated therewith. Title. Chang et al. merely provide for a treatment of fibers and does not disclose, or even suggest, an endless filament having a weight per unit area of 5 to 100 g/m². The combination of Chang et al. and Wildeman, therefore, does not disclose, or even suggest, all of the features of claim 13. Applicants respectfully request withdrawal of the rejection of claim 13.

VI. Rejection of Claim 16 Under 35 U.S.C. 103(a)

Claim 16 was rejected under 35 U.S.C. 103(a) as unpatentable over Wildeman in view of U.S. Patent No. 4,708,807 (“Kemerer”). Applicants respectfully submit that the combination of Wildeman and Kemerer does not render obvious claim 16 for the following reasons.

Applicants respectfully submit that the rejection, as provided in the Office Action, is statutorily insufficient and therefore should be withdrawn. Applicants respectfully submit that obviousness must be determined at the time of the invention. The Office Action does not allege that the claim would have been rendered obvious at the time of the invention, rather they would have been obvious to a “person of ordinary skill”. As a result of the

statutorily insufficient rejection, Applicants respectfully submit that for this reason alone, the rejection should be withdrawn.

Claim 16 depends from amended claim 1 and therefore includes all of the features of amended claim 1.

The addition of Kemerer does not cure the defects of Wildeman. Kemerer allegedly relates to cleaning and waterproofing compositions. Title. Kemerer is limited to providing a composition to remove soils from a fabric. Col. 1, lines 6 to 10. Kemerer does not disclose, or even suggest, the presence of an endless filament having a weight per unit area of 5 to 100g/m². The combination of Kemerer and Wildeman, therefore, does not disclose, or even suggest, all of the features of claim 13. Applicants respectfully request withdrawal of the rejection of claim 13

VII. Rejection of Claim 15 Under 35 U.S.C. 103(a)

Claim 15 was rejected under 35 U.S.C. 103(a) as unpatentable over Zafiroglu. Applicants respectfully submit that Zafiroglu does not render obvious claim 15 for the following reasons.

Applicants respectfully submit that the rejection, as provided in the Office Action, is statutorily insufficient and therefore should be withdrawn. Applicants respectfully submit that obviousness must be determined at the time of the invention. The Office Action does not allege that the claim would have been rendered obvious at the time of the invention, rather they would have been obvious to a “person of ordinary skill”. As a result of the statutorily insufficient rejection, Applicants respectfully submit that for this reason alone, the rejection should be withdrawn.

Claim 15 depends from amended claim 1 and therefore includes all of the features of amended claim 1. As provided above, Zafiroglu does not disclose, or even suggest, all of the features of amended claim 1. Applicants respectfully submit that Zafiroglu does not disclose, or even suggest, all of the features of claim 15 which depends from amended claim 1. Applicants respectfully request withdrawal of the rejection to claim 15.

VIII. Rejection of Claim 10 Under 35 U.S.C. 103(a)

Claim 10 was rejected under 35 U.S.C. 103(a) as unpatentable over Zafiroglu in view of U.S. Patent No. 4,136,218 (“Nischwitz et al.”). Applicants respectfully submit that

the combination of Zafiroglu and Nischwitz et al. does not render obvious claim 10 for the following reasons.

Applicants respectfully submit that the rejection, as provided in the Office Action, is statutorily insufficient and therefore should be withdrawn. Applicants respectfully submit that obviousness must be determined at the time of the invention. The Office Action does not allege that the claim would have been rendered obvious at the time of the invention, rather they would have been obvious to a “person of ordinary skill”. As a result of the statutorily insufficient rejection, Applicants respectfully submit that for this reason alone, the rejection should be withdrawn.

Claim 10 depends from amended claim 1 and therefore includes all of the features of amended claim 1.

The addition of Nischwitz et al. does not cure the defects of Zafiroglu. Nischwitz et al. allegedly relate to a process for the improvement of the water-absorbing capacity and the absorptivity of textile materials. Title. Nischwitz et al. allegedly provide for coating fibers of a lining fleece. Col. 5, lines 13 to 15. A second example of Nischwitz et al. impregnates a number of polyester staple fibers. Col. 5, lines 52 to 55. In a third example, a knit fabric with multiple filaments is impregnated. Col. 6, lines 15 to 20. In a fourth example, a mixture of polyester and staple fibers are impregnated. Col. 6, lines 65 to 68. Nischwitz et al. do not disclose or suggest the presence of an endless filament having a weight per unit area of 5 to 100 g/m². As a result, the combination of Nischwitz et al. and Zafiroglu does not disclose, or even suggest, the features of claim 10. Applicants respectfully request withdrawal of the rejection to claim 10.

IX. Rejection of Claim 11 Under 35 U.S.C. 103(a)

Claim 11 was rejected under 35 U.S.C. 103(a) as unpatentable over Zafiroglu in view of U.S. Patent No. 5,500,281 (“Srinivasan et al.”). Applicants respectfully submit that the combination of Zafiroglu and Srinivasan et al. does not render obvious claim 11 for the following reasons.

Applicants respectfully submit that the rejection, as provided in the Office Action, is statutorily insufficient and therefore should be withdrawn. Applicants respectfully submit that obviousness must be determined at the time of the invention. The Office Action

does not allege that the claim would have been rendered obvious at the time of the invention, rather they would have been obvious to a “person of ordinary skill”. As a result of the statutorily insufficient rejection, Applicants respectfully submit that for this reason alone, the rejection should be withdrawn.

Claim 11 depends from amended claim 1 and therefore includes all of the features of amended claim 1.

The addition of Srinivasan et al. does not cure the defects of Zafiroglu. Srinivasan et al. allegedly relate to an absorbent, flushable, bio-degradable, medically-safe nonwoven fabric with PVA binding fibers, and process for making the same. Title. Srinivasan et al. provide PVA binding fibers with a matrix of absorbent fibers. Col. 2, lines 10 to 14. As provided in Figure 1, several individual PVA fibers are provided to a carding station. Fig. 1. The fibers are then softened using hot water. Col. 3, lines 29 to 31. Srinivasan et al. do not provide the presence of an endless filament having a weight per unit area of 5 to 100g/m². As a result of the failure of the combination of references to disclose, or even suggest the features of amended claim 1, the combination of references fail to disclose or suggest the features of amended claim 1. Applicants respectfully request withdrawal of the rejection to claim 11.

X. Rejection of Claim 13 and 16 Under 35 U.S.C. 103(a)

Claims 13 and 16 were rejected under 35 U.S.C. 103(a) as unpatentable over Zafiroglu in view of U.S. Patent No. 5,908,707 (“Cabell et al.”). Applicants respectfully submit that the combination of Zafiroglu and Cabell et al. does not render obvious claims 13 and 16 for the following reasons.

Applicants respectfully submit that the rejection, as provided in the Office Action, is statutorily insufficient and therefore should be withdrawn. Applicants respectfully submit that obviousness must be determined at the time of the invention. The Office Action does not allege that the claims would have been rendered obvious at the time of the invention, rather they would have been obvious to a “person of ordinary skill”. As a result of the statutorily insufficient rejection, Applicants respectfully submit that for this reason alone, the rejection should be withdrawn.

Claims 13 and 16 depend from amended claim 1 and therefore include all of the features of amended claim 1.

The addition of Cabell et al. does not cure the defects of Zafiroglu. Cabell et al. allegedly relate to cleaning articles comprising a high internal phase inverse emulsion and a carrier with controlled absorbency. Title. Cabell et al. allegedly provide multiple filaments for use as a nonwoven substructure. Col. 7, lines 41 to 46. Cabel et al. do not disclose, or even suggest, the presence of an endless filament having a weight per unit area of 5 to 100 g/m². As a result, Applicants respectfully request reconsideration and withdrawal of the rejection to claims 13 and 16.

XI. Rejection of Claim 8 Under 35 U.S.C. 103(a)

Claim 8 was rejected under 35 U.S.C. 103(a) as unpatentable over Zafiroglu in view of U.S. Patent 5,041,255 ("Zafiroglu '255"). Applicants respectfully submit that the combination of Zafiroglu and Zafiroglu '255 does not render obvious claim 8 for the following reasons.

Applicants respectfully submit that the rejection, as provided in the Office Action, is statutorily insufficient and therefore should be withdrawn. Applicants respectfully submit that obviousness must be determined at the time of the invention. The Office Action does not allege that the claim would have been rendered obvious at the time of the invention, rather they would have been obvious to a "person of ordinary skill". As a result of the statutorily insufficient rejection, Applicants respectfully submit that for this reason alone, the rejection should be withdrawn.

The addition of Zafiroglu '255 does not cure the defects of Zafiroglu. Zafiroglu '255 relates to softening and bulking stitchbonded fabrics. The process stretches fabrics which are then allowed to recover. Abstract. Zafiroglu '255 does not disclose, or even suggest, a voluminous non-woven fabric having a textured yarn shot through it, at least in one preferential direction having an endless filament having a weight per unit area of 5 to 100 g/m² and a textured multifilament yarn having a titer in the range of 10 to 400 dtex shot through the fabric.

As a result of Zafiroglu '255 and Zafiroglu failing to disclose or even suggest the features of amended claim 1, Applicants respectfully submit that the rejection to claim 8 should be withdrawn .

XII. CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON

Dated: July 24, 2003

By: 

Richard M. Rosati
Reg. No. 31,792

One Broadway
New York, New York 10004
(212) 425-7200

Version with Markings to Show Changes Made

IN THE CLAIMS:

Claims 1, 2, 3, 4 and 10 have been amended, without prejudice, as follows:

1. (Amended) A voluminous non-woven fabric having a textured yarn shot through it, at least in one preferential direction, comprising: an endless filament [or staple fiber non-woven fabric] having a [density] weight per unit area of 5 to 100 g/m² and a textured multifilament yarn having a titer in the range of 10 to 400 dtex shot through the fabric, wherein the multifilament yarns are separated from one another by a distance of 1/cm to 10/cm and the mesh number is 0.5/cm to 8/cm, and the multifilament yarn threads are shrunk by 3 to 80%, using moist-thermal or wet-thermal treatment.

2. (Amended) The voluminous non-woven fabric according to Claim 1, wherein: the endless filament [or staple fiber non-woven fabric] has a density of 7 to 60 g/m²; the textured multifilament yarn has a titer in the range of 30 to 300 dtex; the distance of the multifilament fibers from one another is 3/cm to 7/cm; the mesh number is 0.5/cm to 4/cm; and the multifilament yarn threads have been shrunk by 5 to 60%.

3. (Amended) The voluminous non-woven fabric according to Claim 1, wherein the endless filament [or staple fiber non-woven fabric] has a density of 10 to 40 g/m² and is provided with a bonding pattern that covers part of the surface, covering 2 to 35% of the surface, and wherein the multifilament yarn threads are shrunk by 8 to 35%.

4. (Amended) The voluminous non-woven fabric according to Claim 2, wherein the endless filament [or staple fiber non-woven fabric] has a density of 10 to 40 g/m² and is provided with a bonding pattern that covers part of the surface, covering 2 to 35% of the surface, and wherein the multifilament yarn threads are shrunk by 8 to 35%.

10. (Amended) The voluminous non-woven fabric according to Claim [8] 9, wherein at least a part of the synthetic fibers and/or filaments are made to be hydrophilic.